

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

Plaintiffs Fund Texas Choice, The North	§	
Texas Equal Access Fund, The Lilith Fund	§	
for Reproductive Equity, Frontera Fund,	§	
The Afiya Center, West Fund, Jane’s Due	§	
Process, Clinic Access Support Network, and	§	
Dr. Ghazaleh Moayed, DO, MPH, FACOG,	§	
	§	
Plaintiffs,	§	
vs.	§	<b>CASE NO. 1:22-cv-00859-RP</b>
	§	
KEN PAXTON, in his Official Capacity as	§	
Attorney General; et al.,	§	
	§	
Defendants.	§	
	§	

---

**AGREED STIPULATION**

Plaintiffs and Defendant José Garza in his official capacity as Travis County District Attorney (“DA Garza”) agree and stipulate as follows:

1. DA Garza stipulates that the provisions of 1925 Tex. Penal Code arts. 1191-1194, 1196, which were re-codified as Revised Civil Statutes 4512.1 through 4512.4 and 4512.6 (the “Pre-Roe Statutes”), as well as the provisions of Texas Senate Bill 8 (“SB8”) and Texas House Bill 1280 (the “Texas Trigger Ban”) are the subject of significant controversy and pending litigation regarding their constitutionality, scope, and potential invalidity, and accordingly, that enforcement of these laws poses significant challenges because of the confusion and uncertainty created by their potential unconstitutionality and uncertain scope.
2. DA Garza stipulates that he is authorized by Texas law to pursue criminal charges under the Pre-Roe Statutes and the Texas Trigger Ban, subject to their potential

invalidity, any constitutional limits that constrain them, and the proper scope of the statutes as written.

3. DA Garza stipulates that if the factual allegations in Plaintiffs' Original Complaint [Dkt. 1] are proven to the appropriate legal standard, the Plaintiffs are experiencing irreparable injury to their expressive, associational, and other constitutional rights because they intend to engage in the conduct described in the Original Complaint and could face criminal prosecution under the laws of Texas as a result.
4. DA Garza stipulates that the injuries alleged in Plaintiffs' Original Complaint would be redressed by an order from this Court defining the constitutionality and scope of the challenged laws. Such an order would also provide clarity to prosecutors, like DA Garza, about the appropriate scope of their own enforcement powers.
5. DA Garza and the Plaintiffs assume that the Texas Attorney General will fully defend the constitutionality of the laws challenged in Plaintiffs' Original Complaint. Plaintiffs and DA Garza agree that he is a proper Defendant because of his authority to prosecute under the challenged statutes as stated in the Original Complaint. Plaintiffs and DA Garza agree that: (1) DA Garza need not file an answer or other pleading (and Plaintiffs agree that they will not take a default judgment against him); and (2) DA Garza is not required to separately participate in this litigation or respond to any motions filed by Plaintiffs' in this litigation, unless ordered to do so by the Court. If DA Garza's status in the lawsuit changes in any way, voluntarily or by Court Order, this Stipulation will be modified accordingly.

6. Plaintiffs and DA Garza agree that because DA Garza will remain a party to this litigation, he and his office will be bound by (1) any preliminary injunctive relief; and (2) any final judgment entered by the Court.
7. DA Garza agrees not to enforce the statutory provisions challenged in this lawsuit unless and until such time as a final and unappealable order has been issued in this matter. DA Garza's agreement not to enforce preserves prosecutorial and judicial resources while the Court resolves the constitutionality, validity, and scope of the challenged statutes.
8. The Plaintiffs and DA Garza agree that this Stipulation shall not prohibit Plaintiffs from seeking to certify any Defendant Class or Subclass in this lawsuit.
9. Plaintiffs agree not to seek attorneys' fees, penalties, damages, expert fees, court costs, or other costs or expenses of any kind, from DA Garza or from his employees, agents, attorneys, and successors for the claims asserted against DA Garza in this lawsuit.
10. These stipulations are made without prejudice to any claim or defense that Plaintiffs or DA Garza may assert against each other in any matter other than in this litigation.
11. This document may be executed in counterparts.

**AGREED AS TO FORM AND SUBSTANCE**

**DELIA GARZA**

**TRAVIS COUNTY ATTORNEY**

P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9415  
(512) 854-4808 FAX

By: /s/ Leslie W. Dippel  
Leslie W. Dippel  
State Bar No. 00796472  
[Leslie.Dippel@traviscountytexas.gov](mailto:Leslie.Dippel@traviscountytexas.gov)  
Anthony J. Nelson  
State Bar No. 14885800  
[Tony.Nelson@traviscountytexas.gov](mailto:Tony.Nelson@traviscountytexas.gov)  
Patrick T. Pope  
State Bar NO. 24079151  
[Patrick.Pope@traviscountytexas.gov](mailto:Patrick.Pope@traviscountytexas.gov)

**ATTORNEYS FOR DEFENDANT**

**TRAVIS COUNTY DISTRICT**

**ATTORNEY, JOSÉ GARZA**

s/ Jennifer R. Ecklund

**Jennifer R. Ecklund**

Texas Bar No. 24045626

**Elizabeth G. Myers**

Texas Bar No. 24047767

**Allyn Jaqua Lowell**

Texas Bar No. 24064143

**John Atkins**

Texas Bar No. 24097326

**Elizabeth Rocha**

Texas Bar No. 24127242

**THOMPSON COBURN, LLP**

2100 Ross Avenue, Suite 3200

Dallas, TX 75201

(972) 629-7100

(972) 629-7171 (facsimile)

[jecklund@thompsoncoburn.com](mailto:jecklund@thompsoncoburn.com)

[emyers@thompsoncoburn.com](mailto:emyers@thompsoncoburn.com)

[alowell@thompsoncoburn.com](mailto:alowell@thompsoncoburn.com)

[jatkins@thompsoncoburn.com](mailto:jatkins@thompsoncoburn.com)

[erocha@thompsoncoburn.com](mailto:erocha@thompsoncoburn.com)

Alexandra Wilson Albright

Texas Bar No. 21723500

[aalbright@adjtlaw.com](mailto:aalbright@adjtlaw.com)

Marcy Hogan Greer

Texas Bar No. 08417560

[mgreer@adjtlaw.com](mailto:mgreer@adjtlaw.com)

515 Congress Ave., Suite 2350

Austin, TX 78701-3562

Telephone: 512/482-9300

Facsimile: 512/482-9303

Kevin Dubose

Texas Bar No. 06150500

[kdubose@adjtlaw.com](mailto:kdubose@adjtlaw.com)

1844 Harvard Street

Houston, TX 77008

Telephone: 713/523-2358

Facsimile: 713/522-4553

Kirsten M. Castañeda

Texas Bar No. 00792401

[kcastaneda@adjtlaw.com](mailto:kcastaneda@adjtlaw.com)

8144 Walnut Hill Lane, Suite 1000

Dallas, TX 75231-4388

Telephone: 214/369-2358

Facsimile: 214/369-2359

**ALEXANDER DUBOSE &  
JEFFERSON, LLP**

*Counsel for Plaintiffs*